
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ALLAN JAY FANNING,

Plaintiff,

versus

DIRECTOR, TDCJ-CID,

Defendant.

CIVIL ACTION NO. 1:18-CV-367

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Allan Jay Fanning, an inmate confined at the LeBlanc Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.¹

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this action without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 28th day of November, 2018.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE

¹ This action does not contest the fact or duration of plaintiff's confinement. Accordingly, the Magistrate Judge construed the form petition as a civil rights action brought pursuant to 42 U.S.C. § 1983.